

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CARL SUNDBERG JR., Personal )  
Representative of the Deceased Carl )  
Sundberg, III., )  
Plaintiff, ) 8:09CV228  
)  
V. )  
) MEMORANDUM AND ORDER  
DOES 1-5, in their individual )  
capacities, )  
Defendants. )

The court has previously entered an order dismissing plaintiff's constitutional claims against the State of Nebraska with prejudice, and his negligence claims against the State of Nebraska without prejudice. See, filing no. [11](#). The claims against Does 1-5, in their official capacities as employees of the State, are claims against the State. On November 9, 2009, the court entered an order giving the plaintiff until November 23, 2009, to show cause why his claims against Does 1-5 should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. See filing no. [12](#). The plaintiff has not responded.

Accordingly,

IT IS ORDERED:

- 1) The plaintiff's claims against Does 1-5, in their individual capacities, are dismissed for want of prosecution.
- 2) The plaintiff's claims against all the named defendants have now been dismissed. Judgment will be entered accordingly.

December 7, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge